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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

RANCHERS-CATTLEMEN
ACTION LEGAL FUND, UNITED
STOCKGROWERS OF AMERICA,

CV 16-00041-BMM-JTJ

Plaintiff,

v.

SONNY PERDUE, in his official
capacity as Secretary of Agriculture;
and UNITED STATES
DEPARTMENT OF
AGRICULTURE,

UNOPPOSED MOTION FOR A
STAY OF FEDERAL
GOVERNMENT DEFENDANTS'
DISCOVERY OBLIGATIONS IN
LIGHT OF LAPSE OF
APPROPRIATIONS

Defendants.

The United States of America hereby moves for a stay of the Federal Government Defendants' discovery obligations in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the Federal Government Defendants' discovery obligations until Congress has restored appropriations to the Department. On November 21, 2018, the parties submitted a Joint Proposed Schedule for Further Proceedings with a deadline to serve written discovery by February 27, 2019. (Doc. 67.) Although the Court has not entered a scheduling order, the parties have been abiding by this schedule. The lapse of appropriations prevents the Federal Government Defendants from serving discovery and responding to Plaintiff's requests.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The United

States requests that, at that point, the parties be permitted to submit a joint proposal to modify the deadlines set forth in the parties' Joint Proposed Schedule for Further Proceedings as appropriate and commensurate with the duration of the lapse in appropriations.

5. Counsel for Plaintiff and Defendant-Intervenors have authorized counsel for the Federal Government Defendants to state that the parties do not oppose this motion. The parties reserve their right to ask the Court to lift the stay based on future developments.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the United States of America hereby moves for a stay of the Federal Government Defendants' discovery obligations in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted this 8th day of January, 2019,

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/s/ Daniel Halainen

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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Daniel Halainen

DANIEL HALAINEN